



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/578,489

05/05/2006

Csaba Antal

2380-1232

9421

23117

7590

08/29/2008

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

BATISTA, MARCOS

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

08/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,489	Applicant(s) ANTAL ET AL.	
	Examiner MARCOS BATISTA	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/30/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/30/2008</u> | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2617

DETAILED ACTION

Art Unit- Location

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

Art Unit: 2617

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willars et al. (US 20010053145 A1), hereafter "Willars," in view of Fant et al. (US 20040076151 A1), hereafter "Fant," further in view of Kuusinen et al. (US 6757245 B1), hereafter "Kuusinen."

Consider claim 1, Willars discloses a method for controlling the user plane of a UMTS Terrestrial Radio Access Network, UTRAN, including a first edge node (**1-26**) connected via a Transport Network Layer to a second edge node (**1-N**), by using Transport Network Layer, TNL, signaling, the method comprising: (see **fig. 1, [0020]**): setting up a radio link by using a Node B (**28**) Application Part between the first and second edge nodes of the UTRAN (**see fig. 1, [0203]**).

Willars, however, does not particular refer to transmitting RSVP-TE based TNL signaling messages between said first and second edge nodes for each TNL flow or identifying each TNL flow by using RSVP-TE messages, wherein the object SESSION and SENDER-TEMPLATE comprises an IP based 5-tuple flow information, which is adapted to be used as a TNL flow identity.

Fant teaches transmitting RSVP-TE based TNL signaling messages between said first and second edge nodes for each TNL flow (see [0025]). Fant also teaches identifying each TNL flow by using RSVP-TE messages, wherein the object SESSION and SENDER-TEMPLATE comprises an IP based 5-tuple flow information, which is adapted to be used as a TNL flow identity (see [0025], [0031]).

Art Unit: 2617

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Willars and have it include transmitting RSVP-TE based TNL signaling messages between said first and second edge nodes for each TNL flow and identifying each TNL flow by using RSVP-TE messages, wherein the object SESSION and SENDER-TEMPLATE comprises an IP based 5-tuple flow information, which is adapted to be used as a TNL flow identity, as taught by Fant. The motivation would have been in order to create a unique connection between nodes to ensure the transmission of data (see [0025], [0031]).

Willars, as modified by Fant teaches the invention as in claim 1. Willars, however, does not particular refer to wherein the 5-tuple flow information is based on information sent in using the Node B Application Part.

Kuusinen, in analogous art, teaches wherein the 5-tuple flow information is based on information sent in using the Node B Application Part (see figs. 1 and 2A, col. 6 lines 25-28, col. 8 lines 40-51, col. 11 lines 25-31).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Willars as modified by Fant and have it include wherein the 5-tuple flow information is based on information sent in using the Node B Application Part, as taught by Kuusinen. The motivation would have been in order to provide protocol compatibility between the Base Station and the RNC and to be able to identify a transmission flow (see figs. 1 and 2A, col. 6 lines 25-28, col. 8 lines 40-51, col. 11 lines 25-31).

Consider claim 2, Willars as modified by Fant and Kuusinen teaches claim 1. Fant also

Art Unit: 2617

teaches establishing one RSVP-TE tunnel for each connection direction between the first edge node and the second edge node (see [0031]). The motivation would have been in order to create a unique connection between nodes to ensure the transmission of data (see [0025], [0031]).

Consider claim 3, Willars as modified by Fant and Kuusinen teaches claim 1. Fant also teaches initiating the TNL signaling by sending a PATH message comprising at least reservation information such as bandwidth for interior nodes and at least the TNL flow identity (see fig. 1, [0021], [0025]). The motivation would have been in order to create a unique connection between nodes to ensure the transmission of data (see [0025], [0031]).

Consider claim 4, Willars as modified by Fant and Kuusinen teaches claim 3. Fant also teaches processing the reservation information in each interior node between the edge nodes (see [0025], [0031]). The motivation would have been in order to create a unique connection between nodes to ensure the transmission of data (see [0025], [0031]).

Consider claim 5, Willars as modified by Fant and Kuusinen teaches claim 3. Fant also teaches processing the TNL flow identity in the edge nodes (see [0025], [0031], [0035]). The motivation would have been in order to create a unique connection between nodes to ensure the transmission of data (see [0025], [0031]).

Consider claim 6, Willars as modified by Fant and Kuusinen teaches claim 3. Fant also teaches responding to said PATH message by transmitting a RESV message comprising standard

Art Unit: 2617

RSVP-TE objects and PHR and PDR objects in the reverse direction (see [0025]). The motivation would have been in order to create a unique connection between nodes to ensure the transmission of data (see [0025], [0031]).

Consider claim 7, Willars as modified by Fant and Kuusinen teaches claim 3. Fant also teaches responding to said PATH message by transmitting a RESV message comprising standard RSVP-TE, PHR, PDR objects or AAL2 - LABEL - REQUEST or AAL2 LABEL objects in the reverse direction; and inserting a resource reservation confirmation information in said RESV message (see [0025], [0031]). The motivation would have been in order to create a unique connection between nodes to ensure the transmission of data (see [0025], [0031]).

Consider claim 8, Willars as modified by Fant and Kuusinen teaches claim 1. Willars also teaches wherein the first edge node is a Radio Network Controller in the UTRAN and the second edge node is a Node B in the UTRAN (see fig. 1, [0018], [0050]).

Consider claim 9, Willars as modified by Fant and Kuusinen teaches claim 1. Willars also wherein the second edge node is a Radio Network Controller in the UTRAN and the first edge node is a Node B in UTRAN (see fig. 1, [0018], [0050]).

Consider claim 10, Willars as modified by Fant and Kuusinen teaches claim 1. Willars also teaches wherein the first edge node is a Radio Network Controller in the UTRAN and the second edge node is an InterWorking Unit between an IP based part of the UTRAN and an

Art Unit: 2617

AAL2IATM part of the UTRAN (see fig. 2B, [0026], [0055]).

Consider claim 11, Willars as modified by Fant and Kuusinen teaches claim 1. Willars also teaches wherein the second edge node is a Radio Network Controller in the UTRAN and the first edge node is an InterWorking Unit between an IP based part of the UTRAN and an AAL2IATM part of the UTRAN (see fig. 2B, [0026], [0055]).

Consider claim 12, Willars as modified by Fant and Kuusinen teaches claim 1. Willars also teaches configuring an AAL2IATM UTRAN part by sending a PATH message comprising a Channel Identification Value, CID, VPI/VCI values to adjacent nodes along the path of the connection (see fig. 4A, [0014], [0078], [0085]).

Consider claim 13, Willars as modified by Fant and Kuusinen teaches claim 12. Willars also teaches wherein the object LABEL - REQUEST with ATM Label Range is adapted to carry VPINCI values and AAL2 - LABEL - REQUEST is adapted to carry CID value (see fig. 4A, [0014], [0078], [0085]).

Consider claim 14, Willars as modified by Fant and Kuusinen teaches claim 12. Willars also teaches responding to said PATH message and said AAL2 label request by transmitting a RESV message comprising at least an ATM LABEL object comprising VPI and VCI and an AAL2 LABEL object comprising CID of the connection (see fig. 4A(1), [0061], [0123]).

Art Unit: 2617

Consider claim 15, Willars as modified by Fant and Kuusinen teaches claim 14. Willars also teaches processing the LABEL and AAL2-LABEL objects by the same nodes in which LABEL REQUEST and AAL2 - LABEL-REQUEST were originated (see [0038], [0067], [0095]).

Consider claim 16, Willars as modified by Fant and Kuusinen teaches claim 12. Willars also teaches ensuring the Quality of Service (QoS) in the ATM/AAL2 network part, by using AAL2 CAC (see [0073], [0078]).

Consider claim 17, Willars as modified by Fant and Kuusinen teaches claim 13. Willars also teaches wherein the less significant eight bits of the objects LABEL-REQUEST and the object LABEL with AAL2 label range comprises a CID value (see [0016]).

Consider claim 18, Willars as modified by Fant and Kuusinen teaches claim 12. Willars also teaches when an Inter-working Unit (I W) operates between the ATM network part and the IP network part, the method further comprising: translating the Q.AAL2 and the IP-ALCAP messages to said RSVP-TE based TNL signaling messages (see [0022], [0063], [0064]).

Consider claim 37, Willars as modified by Fant and Kuusinen teaches the invention as in claim 1. Kuusinen also teaches wherein the 5-tuple flow information includes an IP address of the first edge node, a UDP port number of the first edge node, a protocol ID, an IP address of the second edge node, and a UDP port number of the second edge node (see col. 9 lines 23-26, col.

Art Unit: 2617

11 lines 25-31). The motivation would have been in order to provide protocol compatibility between the Base Station and the RNC and to be able to identify a transmission flow (see figs. 1 and 2A, col. 6 lines 25-28, col. 8 lines 40-51, col. 11 lines 25-31).

Consider claims 19-36 and 38 these are arrangement claims corresponding to method claims 1-18 and 37. Therefore, they have been analyzed and rejected based upon the method claims 1-18 and 37 respectively.

Response to Arguments

5. Applicant's arguments with respect to claims 1-3, 6, 7 and 19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Marcos Batista, whose telephone number is (571) 270-5209. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Pérez-Gutiérrez can be reached at (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

Art Unit: 2617

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Marcos Batista

/M. B./

08/22/2008

/Rafael Pérez-Gutiérrez/

Supervisory Patent Examiner, Art Unit 2617